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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.14041 OF 2022
ALONG WITH
WRIT PETITION NO.14043 OF 2022**

Sunil Dattatray Umte

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

Mr.Amey Sawant i/by Mr.S.M. Sabrad for the petitioner.

Mr.Rajan S. Pawar, AGP for the State.

**CORAM : R.D. DHANUKA &
S.G. DIGE, JJ.**

DATE : 25th November 2022

P.C.:-

. Rule. Mr.Pawar, AGP waives service for the State. Rule is made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of mandamus against the respondent nos.1, 3 and 5 to take decision under Section 36A of the Maharashtra Land Revenue Code, 1966 within the time prescribed in the prayer clause (b) of both the petitions.

3. Our attention is invited to the order passed by this Court on 22nd February 2022 in Writ Petition (St.) No. 4592 of 2022 in case of **Vivek Baliram Sarakte Vs.The State of Maharashtra & Ors.** Learned counsel for the petitioner submitted that same order be passed by this Court in these petitions as the facts and issues involved in that case are identical to the facts and issues involved in these cases. Mr.Pawar, learned AGP for the State could not distinguish the order

passed by this Court.

4. In our view, the same order can be passed in these petitions since the facts and issues involved in that case are identical to the facts and issues involved in these cases. We are informed that the Tahsildar, Raigad has already forwarded the report/recommendation to the Collector on 16th September 2021.

5. We accordingly pass the following order :-

- (i) The Collector, Raigad shall forward the said report/recommendation to the respondent no.5-Divisional Commissioner within two weeks from today.
- (ii) The Divisional Commissioner shall within four weeks from the date of receipt of the report/recommendation from the respondent no.3 -Collector, Raigad submit his report/recommendation to the respondent no.1 State Government.
- (iii) State Government shall within a period of six weeks from the date of receipt of the report/recommendation from the Divisional Commissioner take its decision in accordance with Clause (b) of Sub Section (1) of Section 36A of the Maharashtra Land Revenue Code, 1966 and forward the same to all concerned.
- (iv) Both the writ petitions are accordingly disposed off.

S.G. DIGE, J.

R.D. DHANUKA, J.